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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,229	08/20/2001	Blue John Ramsey	78104.025	9574

7590 12/08/2005

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EXAMINER

WONG, EDNA

ART UNIT	PAPER NUMBER
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1753

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/857,229	Applicant(s) RAMSEY ET AL.	
	Examiner Edna Wong	Art Unit 1753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34,36-45 and 50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34,36-45 and 50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is in response to the Amendment dated November 15, 2005. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Therefore, the **finality** of the last Office Action is withdrawn.

Response to Arguments

Claim Rejections - 35 USC § 112

I. Claims **49 and 50** have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The rejection of claims 49 and 50 under 35 U.S.C. 112, first paragraph, has been withdrawn in view of Applicants' amendment. Claim 49 has been cancelled.

II. Claims **36-47** have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The rejection of claims 36-47 under 35 U.S.C. 112, second paragraph, has been

withdrawn in view of Applicants' amendment.

Claim Rejections - 35 USC § 102

Claims **34 and 36-47** have been rejected under 35 U.S.C. 102(e) as being anticipated by **Suzuki et al.** (US Patent No. 6,051,645).

The rejection of claims 34 and 36-47 under 35 U.S.C. 102(e) as being anticipated by Suzuki et al. has been withdrawn in view of Applicants' amendment.

Claim Rejections - 35 USC § 103

Claim **49** has been rejected under 35 U.S.C. 103(a) as being unpatentable over **Suzuki et al.** (US Patent No. 6,051,645) as applied to claims 34 and 36-47 above.

The claim 49 under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. as applied to claims 34 and 36-47 above has been withdrawn in view of Applicants' amendment. Claim 49 has been cancelled.

Allowable Subject Matter

The indicated allowability of claim 50 is withdrawn in view of the newly discovered reference(s) to **Varadan et al.** (US Patent NO. 5,366,664). Rejections based on the newly cited reference(s) follow.

Response to Amendment

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

I. Claims **34 and 36-45** are rejected under 35 U.S.C. 102(b) as being anticipated by **Varadan et al.** (US Patent No. 5,366,664).

Varadan teaches a lithographic ink for use in a lithographic printing process onto a polymer substrate, the ink comprising:

a metal or carbon particulate material (= one or more conductive powder materials) [col. 2, lines 27-31] suspended in a mixture of (= said conductive additives being uniformly dispersed in said matrix material) [col. 2, lines 37-38]:

(i) a resin (= a thermoplastic polymer matrix material) [col. 3, lines 36-40];

(ii) an antioxidant (col. 9, lines 35-38); and

(iii) an organic solvent (col. 6, lines 8-14), wherein

(a) the resin comprises a polyamide (col. 3, lines 41-49), and

(b) the metal or carbon particulate material constitutes 50-90% of the weight of the ink (= from about 10 to about 60% by weight) [col. 2, lines 27-31; and col. 5, lines 21-32].

Since Varadan teaches all of the limitations recited in the instant claim, the

reference is deemed anticipatory.

With regards to claims 36-45, these claim limitations do not further limit the ink composition. Thus, they do not distinguish the ink composition from the prior art.

II. Claim **50** is rejected under 35 U.S.C. 102(b) as being anticipated by **Varadan et al.** (US Patent No. 5,366,664).

Varadan teaches a lithographic ink for use in a lithographic printing process, the ink comprising:

(a) a particulate material which constitutes 50%-90% of weight of the ink, the particulate material including metal or carbon (= from about 10 to about 60% by weight of one or more conductive powder materials) [col. 2, lines 27-31]; and

(b) a mixture wherein the particulate material is suspended (= said conductive additives being uniformly dispersed in said matrix material) [col. 2, lines 37-38], the mixture including:

(1) a polyamide resin (col. 3, lines 36-49);

(2) an antioxidant (col. 9, lines 35-38); and

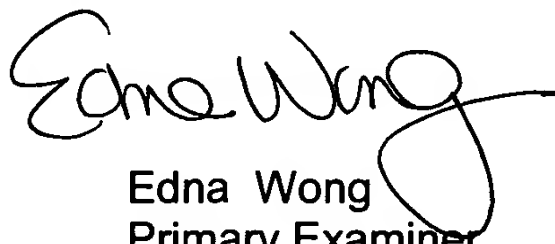
(3) an organic solvent (col. 6, lines 8-14).

Since Varadan teaches all of the limitations recited in the instant claim, the reference is deemed anticipatory.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edna Wong whose telephone number is (571) 272-1349. The examiner can normally be reached on Mon-Fri 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Edna Wong
Primary Examiner
Art Unit 1753

EW
December 2, 2005